affirmed — Judge Davis —
Sup. Court
Case

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. ~~457~~ 201

FREDERICK W. HANNEWINKLE, APPELLANT,

vs.

THE MAYOR, BOARD OF ALDERMEN, AND BOARD OF COMMON COUNCIL OF GEORGETOWN, AND GEORGE W. BEALL, COLLECTOR.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

FILED NOVEMBER 29, 1871.

Dec. 2, 1871

SUPREME COURT OF THE UNITED STATES.

No. 437.

FREDERICK W. HANNEWINKLE, APPELLANT,

vs.

THE MAYOR, BOARD OF ALDERMEN, AND BOARD OF COMMON COUNCIL OF GEORGETOWN, AND GEORGE W. BEALL, COLLECTOR.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

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a *Clerk's certificate to record.*

CLERK'S OFFICE SUPREME COURT OF THE DISTRICT OF COLUMBIA:

I, R. J. Meigs, clerk of the said court, do hereby certify that originals, of which the following writings and printed matter are true and complete copies, are on file and of record in the clerk's office of said court, and that said originals together constitute the record of the proceedings of said court in a certain cause therein depending and lately decided entitled, *Francis* W. Hannewinkle vs. The Mayor, Board of Aldermen, Board of Common Council of Georgetown, and George W. Beall, Collector. No. 1875, equity doc. 10.

In testimony whereof, I hereto subscribe my name and affix the seal of said court this 23rd November, 1871.

R. J. MEIGS,
Clerk S. C. D. C.
By R. J. MEIGS, JR.,
Ass't Cl.

b RECORD FROM THE SUPREME COURT OF DISTRICT OF COLUMBIA.

Complainant's bill.

FREDERICK W. HANNEWINKLE, PLAINTIFF,
vs.
THE MAYOR, THE BOARD OF ALDERMEN, AND Board of Common Council of Georgetown, and George W. Beall, collector, defendants. } No. 1875. In equity.

To the supreme court of the District of Columbia, holding an equity court for said District:

The plaintiff states as follows:

1. He is a citizen of Richmond, in the State of Virginia, and brings this suit in his own right.

2. One defendant is a body-corporate in the District of Columbia, and the other is a citizen of said District.

3. That by the 4th section of the act of Congress, 1809, ch. 30, which act is a part of the corporate charter of the said Georgetown, entitled, "An act supplementary to an act entitled, 'An act to amend the charter of Georgetown,'" it is enacted:

"That the said corporation shall have power to lay out, open, extend, and regulate streets, lanes, and alleys within the limits of the town, as before described under the following regulations, that is to say, the mayor of the town shall summon twelve freeholders, inhabitants of the town, not directly interested in the premises, who being first sworn to assess and value what damages would be sustained by any person or persons by reason of opening or extending any street, lane,
2 or alley, (taking all benefits and inconveniences into consideration,) shall proceed to assess what damages would be sustained by any person or persons whomsoever, by reason of such opening or extension of the street; and shall also declare to what amount in money each individual benefitted thereby shall contribute and pay towards compensating the person or persons injured by reason of such opening and extension; and the names of the person or persons so benefitted, and the sums which they shall respectively be obliged to pay, shall be

returned under their hands and seals to the clerk of the corporation, to be filed and kept in his office; and the person or persons benefitted by opening or extending any street, and assessed as aforesaid, shall respectively pay the sums of money so charged and assessed to them with interest thereon, at the rate of six per cent. per annum, from the time limited for the payment thereof until paid; and the sums of money assessed and charged, in manner aforesaid to each individual benefitted in manner aforesaid, shall be a lien upon and bind all the property so benefitted to the full amount thereof: *Provided always*, That no street, lane, or alley shall be laid out, opened or extended until the damages assessed to individuals, in consequence thereof, shall have been paid, or secured to be paid."

By this section of the act of Congress two classes of owners of property on a street intended to be opened or extended are supposed, those who are damaged and those who are benefitted. Those who are benefitted are to be assessed to pay damages to those who are damaged, and the assessment is made a lien on each piece of property benefitted, rendering it liable to be sold for the purpose of paying those who are damaged. And until the damages assessed to individuals have been paid or secured to be paid, the street cannot be laid out, opened, or extended.

4. That by virtue of and under the authority of the said section of the said act of Congress, the mayor, board of aldermen, and board of common councilmen of Georgetown did, on the sixth day of June, 1868, pass an ordinance by which it was ordained, "That the mayor be, and he is hereby, authorized and requested to institute the necessary proceedings provided for in the 4th section of the act of Congress entitled, 'An act supplementary to the act entitled "An act to amend the charter of Georgetown,'" approved March 3, 1809, in order to condemn to public use and to open and improve an extension of Stoddard street, from a point on Congress street, opposite the north line of Stoddard street, to High street, according to the plat of the surveyor of June 5th, 1868."

3 5. That the plaintiff owns and is seized and possessed in fee simple of a lot of land situated in Georgetown aforesaid in Beall's addition, running 235 feet west side of Congress street, 470 feet south side of Stoddard street, 329 feet east side of Valley street. That said premises have on them a commodious dwelling-house; and all the ground of the premises is improved as a yard and garden with reference to the dwelling-house; and the whole is one homestead, and as such has been occupied and used for half a century, and is still occupied and used as one homestead and undivided lot or piece of land. That the plaintiff does not own any other lot or piece of land within the corporate limits of Georgetown, except about seven feet fronting on Beall street, remote from the street and property assessed as benefitted, and was not considered in the assessment for benefits in the assessment herein considered.

6. That, by virtue of the ordinance before mentioned, the mayor of Georgetown aforesaid did summon twelve freeholders, according to the provision of the 4th section of the act of Congress 1809, ch. 30, who, being duly sworn, did, on the 14th day of September, 1868, condemn to public use, in opening and extending Stoddard street, a part of said lot belonging to the said plaintiff, and assessed his damages, (taking all benefits and inconveniences into consideration, according to the requirements of the act of Congress) at $3,139.00.

7. That the said twelve freeholders, summoned as aforesaid, after they had assessed to the plaintiff the damages aforesaid, did, without any authority of law, and contrary to the provisions of the 4th section of the act of Congress, 1809, ch. 30, under which they acted, declare, charge, and assess benefits amounting to $3,425.33, because of the opening and extending said Stoddard street, to the remaining part of said lot for injury to which damages had been assessed by them as aforesaid; thereby making or attempting to make said assessment for benefits a lien on the remaining part of the lot, and rendering it liable to be sold to pay to the plaintiff the damages assessed to him.

8. That the said corporation of Georgetown has taken possession of the part of the lot belonging to the plaintiff, which has been condemned to public use as aforesaid, before the damages assessed to him for such condemnation or any part thereof have been paid or secured to be paid to him, and has dug down it in places ten or
4 more feet, and has fully appropriated it as a part of Stoddard street, contrary to the express provision of the 4th section of the act of Congress, 1809, ch. 30.

9. That, in further prosecution of its unlawful proceedings, the said corporation of Georgetown has, contrary to the statutes giving the right of set-off, deducted by way of set-off, the damages, ($3,139.00) aforesaid assessed to the plaintiff, from the benefits ($3,425.33) illegally assessed to him or to his lot aforesaid, and has directed the aforesaid George W. Beall, the collector of taxes of said corporation, to sell the part of the lot not condemned belonging to the plaintiff to pay the balance of the said assessment for benefits, ($286.33;) and the said George W. Beall, as collector of taxes as aforesaid, has advertised the same in "The Georgetown Courier" newspaper to be sold on Monday, 17th January, 1870, at public sale, to pay to the said corporation of Georgetown the said balance, $286.33 and $8.59 commissions.

10. That the said act of Congress, 1809, ch. 30, makes no provision for a review by any court or superior tribunal of the inquisition of the said twelve freeholders, nor does the common law furnish any mode for such review, so that the plaintiff "is disseised of his freehold without the judgment of his peers or the law of the land," which presents the grave question whether the whole act is not unconstitutional.

11. The plaintiff therefore prays:

1. That the mayor, board of aldermen, and board of common councilmen of Georgetown and the said George W. Beall, collector, the defendants in this cause, may answer the several matters and things hereinbefore stated.

2. That the said mayor, board of aldermen, and board of common councilmen of Georgetown, and the said George W. Beall and all other agents and servants of the said mayor, board of aldermen, and board of common councilmen of Georgetown, may be restrained by order and injunction from selling the above-described property or any part thereof belonging to the plaintiff to pay the $286.33 benefits assessed, as hereinbefore stated, and $8.59 commissions, for which it is advertised in the Georgetown Courier newspaper, to be sold on the 17th January, 1870; and the plaintiff may have such further relief as his case may require.

5 3. And the plaintiff prays for the writ of subpœna against the said defendant', commanding them and each of them to appear in this court at some certain day to be therein named, to answer the

premises, and abide by and perform such decree or order as may be passed therein, &c.

SAM'L TYLER,
Solicitor for Plaintiff.

COUNTY OF WASHINGTON,
District of Columbia:

On this 12th day of January, 1870, before me, a justice of the peace in and for the county aforesaid, personally appeared Josiah Dent, and made oath that the matters and things stated in the foregoing bill are true, to the best of his knowledge and belief.

ROBERT WHITE,
J. Peace.

COUNTY OF WASHINGTON,
District of Columbia:

On the 13th day of January, 1870, before me, a justice of the peace in and for the county aforesaid, personally appeared Josiah Dent, and made oath that he was attorney and agent for the plaintiff, Frederick W. Hannewinkle, in the foregoing bill, in the proceedings therein mentioned to condemn the property in the proceedings mentioned, and to assess damages, and that he has read the said bill and knows the contents thereof, and that the facts therein stated are true of his own personal knowledge; and that he makes the affidavit because the plaintiff is unavoidably absent and cannot therefore make the affidavit himself.

Sworn to before—

ROBERT WHITE,
J. Peace.

FREDERICK W. HANNEWINKLE
vs.
MAYOR, &C., OF GEORGETOWN. } No. 1875. Eq. Doc. 10.

On filing bill in this case, it is ordered by the court that a preliminary order of injunction be issued against the defendants named in the bill, restraining the defendants, the agents, and so forth, from proceeding to sell the premises or any part thereof decreed in the bill, till the further order of this court, upon the filing of a bond in the penal sum of five hundred dollars, to be approved by the judge of this court. And
6 it is further ordered that the defendants show cause on the 22 inst., ten o'clock in the forenoon, or as soon thereafter as counsel can be heard, why an injunction as prayed in the bill should not be granted to continue until the final hearing of this suit. It is further ordered that a copy of this order be served upon the defendants on or before the 17 day of January instant.

A. B. OLIN, *J.*

Injunction bond.

Know all men by these presents that we, Josiah Dent, J. H. M. Hollingsworth, of the county of Washington, in the District of Columbia, are held and firmly bound unto the United States in the full and just sum of five hundred dollars current money to be paid to the United States or its certain attorney, to which payment, well and truly to be made and done, we bind ourselves and each of us, our and each of

heirs, executors, and administrators, jointly and severally firmly by these presents, sealed with our seals, and this 14th day of Jan'y in the year eighteen hundred and seventy.

Whereas Frederick W. Hannewinkle of Richmond, in the State of Virginia, is about to obtain from the supreme court of the District of Columbia, holding an equity court for said District, an injunction to restrain the mayor, board of aldermen, and board of common council of Georgetown, and George W. Beall, collector, from selling certain property described in the bill in equity 1875, Eq. Doc. 10, in which the said Frederick W. Hannewinkle is plaintiff, belonging to the said Hannewinkle, to pay certain tax and commissions assessed to said property for benefits because of the opening of Stoddard street in Georgetown, D. C.:

Now the condition of this obligation is such that, if the said Frederick W. Hannewinkle shall prosecute the said writ of injunction with effect and satisfy and pay the said tax and commissions and costs, as well as all costs, damages, and charges that shall occur in the court aforesaid, or be vacated by the delay in selling said property, unless the said court shall decree to the contrary, and shall in all things obey such order and decree as said court shall direct in the premises, then the above obligation to be void, else to be and remain in full force and virtue.

JOSIAH DENT. [SEAL.]
J. M. H. HOLLINGSWORTH. [SEAL.]

Approved this 14 Jan'y, 1870.

A. B. OLIN.

In the supreme court of the District of Columbia. January 12, 1870.

FREDERICK W. HANNEWINKLE, COMPL'T, *vs.* MAYOR, &C., GEORGETOWN, DEFENDANTS. } No. 1875. Eq. Doc. 10.

The President of the United States to Mayor, Board of Aldermen, and Board of Common Councilmen of Georgetown, and George W. Beall, collector, defendants:

You are hereby commanded to appear in this court, at its first special term, occurring twenty days after service of this subpœna, and answer the exigency of the bill, under pain of attachment, and such other process of contempt as the court shall award.

Witness, D. K. Cartter, chief justice.

[SEAL.] R. J. MEIGS, *Clerk.*

MEMORANDUM.—That the defendants are to enter their appearance in this suit in the clerk's office on or before the special term to which this writ is returnable; otherwise the bill may be taken for confessed.

(Indorsed:)

Issued January 12, 1870.
Ret'd " 20. "

Served the mayor of Georgetown, D. C., and served copy of notice for inj'n and copy of bill on same this 14th day of January, 1870.

A. SHARP, *Marshal.*

7 *Answer of defendants.*

In the supreme court of the District of Columbia, the day of 1870.

FREDERICK W. HANNEWINKLE, PL'FF,
vs.
MAYOR, BOARD OF ALDERMEN, AND BOARD OF Common Councilmen of Georgetown, and Geo. W. Beall, def'ts. } In equity.

The answer of the above-named defendants to the bill of complaint of the above-named plaintiff shows to this court:

1st. That we have no reason to doubt that complainant is a citizen of Richmond, Virginia, and brings this suit in his own right.

2d. We admit one defendant is a body-corporate in the District of Columbia, and that the other is a citizen of said District.

3d. We admit the existence and validity of the 4th section of the act of Congress 1809, ch. 30, entitled "An act supplementary to an act entitled an act to amend the charter of Georgetown," as the same is set forth in complainant's bill, and as being part of the corporate charter of said town. We also admit that two classes of owners of property are contemplated by said 4th section, viz, the class damaged, and the class benefitted by reason of the proposed improvement; that the latter are to be assessed to pay damages to those who are damaged; that the assessment of benefits is made a lien on each and every piece of property benefitted, rendering it liable to be sold to pay those who are damaged; and that until the damages assessed to individuals have been paid or secured to be paid, the street cannot be laid out, opened, or extended.

4th. We admit that by virtue of and under authority of said 4th section, said corporation did on the 6th June, 1868, pass an ordinance by which it was ordained "that the mayor be and he is hereby authorized and requested to institute the necessary proceedings provided for in the 4th section of the act of Congress entitled 'An act supplementary to the act entitled an "Act to amend the charter of Georgetown,'" approved March 3d, 1809, in order to condemn to public use, and to open and improve an extension of Stoddart street from a point on Congress street, opposite the north line of Stoddart street to High street, according to the plat of the surveyor of June 8th, 1868."

8 5th. We admit that complainant owns and is seized and possessed in fee-simple of a piece of land in Beall's addition to Georgetown aforesaid, running 235 feet on the west side of Congress street, 470 feet on the south side of Stoddart street as extended, and 329 feet on the east side of Valley street; that said premises have on them a commodious dwelling-house; that all the ground of the premises is improved as a yard and garden with reference to the dwelling-house; that the whole is one homestead, and as such has been occupied and used for a long period, and is still occupied and used as one homestead and undivided piece of land; and that we do not know the fact, but have no reason to doubt that complainant does not own any other piece of ground in said town except, as he alleges, about seven feet on Beall street, and which was not considered in the aforesaid assessment of benefits.

6th. We admit that by virtue of the aforesaid ordinance the mayor of Georgetown did summon twelve freeholders, according to the provis-

ions of said 4th section of the act of Congress, 1809, ch. 30, who being duly sworn, did, on the 14th September, 1868, proceed to assess, and did assess, what damages would be sustained by any person or persons whomsoever, by reason of opening and extending Stoddard street as aforesaid, and did also proceed to declare, and did declare, to what amount in money each individual benefited thereby should contribute and pay towards compensating the person or persons injured by reason of such opening and extension, (said jury taking all benefits and inconveniences into consideration,) according to the requirements of said act of Congress, and that they assessed and valued said complainant's damages at $3,139.

7th. We admit that said twelve freeholders, summoned and sworn as aforesaid, did declare, charge, and assess benefits amounting to the sum of $3,425.33 cts. to said complainant, upon that part of his said homestead property remaining after the portion taken for the bed of said street and assessed for damages by him sustained as aforesaid.

But we do not admit, however—on the contrary, we deny—that said freeholders, after assessing said damages to complainant, did, without authority of law and contrary to the provisions of said 4th section, declare, charge, and assess said benefits, and that, in fixing the amount of said damages for his ground taken and appropriated to the bed of said street, they embraced and exhausted their power of estimating benefits to the residue of his said property. We do not know, and accordingly cannot pretend to set forth the order of consideration or precise mental process by which said freeholders arrived at their conclusions in the premises. But we aver and maintain that said assessments of benefits and damages were, in legal intendment, and as contemplated and provided for in said 4th section, one continuous and entire act.

We further admit that said assessment of benefits did, by the express provision of said 4th section, become a lien upon and bind, not only the appropriated residue of said complainant's premises, but also all other property ascertained to be benefited by reason of the opening and extension of said street, whether said property was contiguous thereto or not; and that said benefited property became liable to be sold to pay said complainant the damages assessed to him as aforesaid.

8th. We admit that said corporation has taken possession of the ground previously belonging to said complainant, and which has been condemned to the public use aforesaid, and dug it down in some places ten or more feet; but we deny that this has been done, as alleged in the complainant's bill, before the damages assessed to him for such condemnation, or any part thereof, have been paid or secured to be paid, as provided for in said 4th section of the act of Congress.

On the contrary, we aver and maintain that said damages were contemplated and amply provided for by the assessment of benefits to the remaining part of complainant's aforesaid ground and premises; each assessment of benefits to his own and other proprietors' premises being expressly designed by said statute as a just compensation for the property taken for public use.

9th. We admit that said corporation has deducted the sum of $3,139, damages aforesaid, from the sum of $3,425.33, benefits aforesaid, and directed the said George W. Beall, the collector of taxes of said corporation, to sell the part of said complainant's ground, assessed for benefits, in order to pay the balance of said assessment for benefits, to wit, the sum of $286.33, and that said collector of taxes did advertise said part so assessed for benefits in "The Georgetown Courier" news-

10 paper, to be sold on Monday, January 17th, 1870, at public sale, to pay said corporation said balance of $286.33, and $8.59 commission.

But we deny that said proceedings are unlawful; that they are contrary to the statutes giving the right of set-off; and that said benefits, amounting to $3,425.33, were illegally assessed to said complainant on his ground aforesaid.

10th. We admit that said act of Congress makes no provision for a review by any court or superior tribunal of the inquisition of said twelve freeholders; but we deny the averment that the common law does not furnish any mode for such review. Be this, however, as it may, we maintain that the deduction made by said complainant is unsound and untenable, his argumentative allegation being that inasmuch as no such review as above mentioned is afforded, therefore complainant "is disseized of his freehold without the judgment of his peers or the law of the land."

All which matters and things these defendants are ready and willing to aver and prove as this honorable court shall direct, and humbly pray to be dismissed with their reasonable costs and charges in this behalf wrongfully sustained, and that the injunction heretofore granted in this cause be dissolved.

PECK & CAPERTON,
Solicitors for Defendants.

DISTRICT OF COLUMBIA,
Washington County, to wit:

I, Hugh Caperton, recorder of the corporation of Georgetown, do solemnly swear that I have read the foregoing answer by me subscribed, and know the contents thereof, and that the facts therein stated upon my personal knowledge are true, and that the facts therein stated upon information and belief I believe to be true.

ROBERT WHITE, *J. P.*

11 *Agreed statement of facts.*

In the supreme court of the District of Columbia, 1870.

FREDERICK W. HANNEWINKLE, PL'FF,
vs.
THE MAYOR, BOARD OF ALDERMEN, AND BOARD of Common Councilmen of Georgetown, and Geo. Beall, collector, def'ts. } No. 1875.

For the purposes of the trial of the above-entitled cause, it is admitted as follows:

1st. That plaintiff is a citizen of Richmond, Virginia, and sues in his own right.

2d. One defendant is a body-corporate in the District of Columbia, and the other a citizen of said District.

3d. That the corporate powers of said city of Georgetown are as set forth in the published statutes.

4th. That, by virtue of the powers expressed in said published statutes, the corporate authorities of Georgetown did, on the 6th day of June, 1868, ordain, "That the mayor be, and he is hereby, authorized and requested to institute the necessary proceedings provided for in the 4th section of the act of Congress entitled 'An act supplementary

to the act entitled an act to amend the charter of Georgetown,' approved March 3, 1809, in order to condemn to public use, and to open and improve an extension of Stoddard street from a point on Congress street, opposite the north line of Stoddard street to High street, according to the plat of the surveyor of June 5, 1868."

5th. That the plaintiff owned and still owns in fee-simple a lot of land in said town, running 235 feet on the west side of Congress street, 470 feet on the south side of Stoddard street as extended, and 329 feet on the east side of Valley street; that said premises have on them a commodious dwelling-house, and all the ground is used and has been improved with reference to the dwelling, and the whole is one homestead, and has been so used for many years past; that plaintiff owns no other land in Georgetown excepting a piece about seven feet front on Beall street, which was not considered in the assessment for benefits.

6th. That, by virtue of the aforesaid ordinance, said mayor did summon twelve freeholders, according to the provisions of the 4th section of the act of Congress, 1809, chapter 30, who, being duly
12 sworn, did, on the 14th day of September, 1868, condemn to public use, in opening and extending Stoddard street as aforesaid, a part of said lot belonging to said plaintiff, and did assess damages and benefits to said lot, as is shown by their verdict or return, a copy of which accompanies this agreement; and the said action of the said jury was duly reported to said corporate authorities, and ratified and approved by their ordinance.

7th. That said corporation has taken possession of that part of said plaintiff's lot so condemned to public use for the street aforesaid, and, for the purpose of grading and improving the same in accordance with the ordinances of said corporation, has dug down in places more than ten feet, and has generally appropriated such part of the premises for the purposes of a street, without any other payment or security to the said plantiff than is shown by the aforesaid acts of the corporate authorities.

8th. That said corporation claims there is due from the plaintiff upon said action of the corporate authorities a balance of $286.33, and that it is a lien upon the residue of said premises not taken for the extension of the street, and that said corporation and defendant, Geo. W. Beall, as collector of taxes, had advertised and were about to sell such remaining property, or so much thereof as might be necessary to obtain payment of the said balance of $286.33, as is alleged in complainant's bill.

9th. Said verdict of the jury and the plat of the surveyor, showing the location of the premises and the extension of Stoddard street, are hereto annexed and made a part of this statement.

10th. It is stipulated that this case shall be submitted upon the bill, answer, and foregoing statement.

PECK & CAPERTON,
For Def'ts.
SAM'L TYLER,
For Plaintiff.

(Here follows map, marked page 12.)

13 *Return of the jurors for assessing damages and benefits on the extension of Stoddard street, Georgetown, D. C.*

We, the undersigned freeholders and inhabitants of Georgetown, in

the District of Columbia, not directly interested in the premises hereinafter mentioned, upon which damages and benefits are assessed, being duly summoned as jurors by the mayor of Georgetown aforesaid, and being first sworn to assess and value what damages will be sustained by any person or persons by reason of the laying out and extending of Stoddard street, in said town, from Congress street to High street, do hereby assess said damages and benefits as follows:

DAMAGES.

To Anthony Hyde	$5,000 00
" Noble Hurdle	830 00
" Mrs. Sarah Willett	1,050 00
" Mrs. B. Kennon	1,202 75
" F. W. Hannewinkle	3,139 00
	$11,221 75

BENEFITS.

To the corporation of Georgetown, $\frac{1}{6}$ of the damages	$1,870 29	
To Mrs. Willett, on 113 f't 8 in. on south side Stoddard st., at $4 p'r f't	454 67	
To Mrs. Willett, on 91 f't 10 in. on north side Stoddard st., at $3 p'r f't	275 50	
To Mrs. Kennon, on 473 f't north side Stoddard st., at $5 p'r f't	2,365 00	
To Mr. Hannewinkle, on 489 f't 4 in. south side Stoddard st., at $7 p'r f't	3,425 33	
On the north side Stoddard st., between Washington and Congress sts.		
To Mrs. Harry, 253 f't, at $1 p'r f't	$253	
" I. C. Smith, 90 " " "	90	
" H. D. Cooke, 370 " " "	370	
		713 00
Amount carried forward		
14 On the south side Stoddard st., between Washington and Congress sts.		
To Miss E. Dodge, 365 f't 7 in., at $1 p'r f't	$365 58	
To Owens Berry, 25 f't, at $1 p'r f't.	25 00	
		$390 58
South side Stoddard st., between Washington and Congress sts.		
To Z. Baker, 35 f't, at $1.00	$35 00	
" Unknown, 15 " " "	15 00	
" Mrs. V. Poore, 135 f't, at $1	135 00	
" Geo. Hill, jr,, 120 " "	120 00	
		305 00

On north side Stoddard st., between Washington and Green sts.

To J. D. Bright, 240 f't, at 75 cts..... $180 00 $180 00

On south side Stoddard st., between Washington and Greene sts.

To H. D. Cooke, 150 f't, at 75 cts.... $112 50
" John Dickson, 90 f't, " " 67 50
180 00

On north side Stoddard st., between Greene and Montgomery sts.

To Jos. E. Nourse, 62½ f't, at 50 cts. $31 25
" Dr. L. Mackall, 67½ f't, " " 33 75
" Dr. L. Mackall, jr., 110 f't, " " 55 00
120 00

On south side Stoddard st., between Greene and Montgomery sts.

To Samuel Clark, 70 f't, at 50 cts..... $35 00
" R. P. Dodge, 170 " " " 85 00
120 00

Amount carried forward .....

15 On north side Stoddard st., east of Montgomery st.

To Charles Dodge, 240 f't, at 25 c'ts p'r f't..... $60 00

On south side Stoddard st., east of Montgomery st.

To Thomas Hyde, 120 f't, at 25 c'ts p'r f't..... $30 00
To Mrs. M. Whitall, 120 f't, at 25 c'ts p'r f't..... 30 00
60 00

On east side of High st., north of Stoddard st.

To J. H. Payne, 40 f't, at 60 c'ts p'r f't. $24 00
To Thomas Waters, 40 f't, at 60 c'ts p'r f't..... 24 00
To Thomas Waters, 13 f't, at 50 c'ts p'r f't..... 6 50
54 50

To C. A. Upperman, 27 f't, at 50 c'ts p'r f't..... $13 50
To E. Shelton' h'rs, 38 f't, at 50 c'ts p'r f't..... 19 00
32 50

To R. Johnson, 2 f't, at 50 c'ts per f't..	$1 00	
Do. 40 " 40 " " ..	16 00	
		17 00
To Mrs. Mosher, 40 f't, at 40 c'ts per f't.	$16 00	
To Mrs. Mosher, 40 f't, at 30 c'ts per f't.	12 00	
		28 00
To W. H. Chamberlain, 36 f't, at 30 c'ts per f't.		10 80
Amount carried forward.....		
16 To Mrs. M. Shoemaker, 4 f't, at 30 c'ts per f't	$1 20	
To Mrs. M. Shoemaker, 40 f't, at 20 c'ts per foot	8 00	
		$9 20
To Mrs. Mosher, 40 f't, at 20 c'ts per f't.....		8 00

On the east side High st., south of Stoddard st.

To Noble Hurdle, 58½ f't, at 60 c'ts per f't	$35 10	
To Noble Hurdle, 6 f't, at 40 c'ts per f't.	2 40	
		37 50
To James Payne, 45 f't, at 40 c'ts per f't... ..		18 00
To R. Shekell, 7½ f't, at 40 c'ts per f't...	$3 00	
To R. Shekell, 23½ f't, at 20 c'ts per f't.	4 70	
		7 70
To Mrs Willett, 25 f't, at 20 c'ts per f't		5 00
To Geo. A. Bohrer, 10 f't, at 20 c'ts per f't.....		2 00

On east side Valley st., north of Stoddard st.

Mrs. Kennon, 50 f't, at 40 c'ts per f't..	$20 00	
Mrs. Kennon, 50 f't, at 35 c'ts per f't..	17 50	
Do. 50 " 30 " ..	15 00	
Do. 50 " 25 " ..	12 50	
Do. 50 " 20 " ..	10 00	
Do. 50 " 15 " ..	7 50	
Do. 50 " 10 " ..	5 00	
		87 50

On west side Valley st., north of Stoddard st.

To Sylvia Smith, 20 f't, at $1.25 per f't.....		25 00
To Daniel Conner, 5 " " "		6 25
Amount carried forward.....		
17 To Daniel Conner, 25 f't, at $1 per f't	$25 00	
To Daniel Conner, 25 f't, at 95 c'ts per f't	23 75	
To Daniel Conner, 22 f't, at 90 c'ts per f't	19 80	
		$68 55
To D. O'Leary, 3 f't, at 90 c'ts per f't..	$2 70	
To D. O'Leary, 25 f't, at 85 c'ts per f't.	21 25	
To D. O'Leary, 2 f't, at 80 c'ts per f't..	1 60	
		25 55

To James Payne, 20 f't, at 80 c'ts per f't.....		16 00	
To Captain Chandler, 3 f't, at 80 c'ts per f't	$2 40		
To Captain Chandler, 25 f't, at 75 c'ts per f't	18 75		
To Captain Chandler, 12 f't, at 70 c'ts per f't	8 40		
		29 55	
To Mrs. Ashe, 13 f't, at 70 c'ts per f't..	$9 10		
To Mrs. Ashe, 17 f't, at 65 c'ts per f't..	11 05		
		20 15	
To Mrs. Scott, 8 f't, at 65 c'ts per f't...	$5 20		
To Mrs. Scott, 25 f't, at 60 c'ts per f't..	15 00		
To Mrs. Scott, 25 f't, at 55 c'ts per f't..	13 75		
To Mrs. Scott, 2 f't, at 50 c'ts per f't ..	1 00		
		34 95	
To J. W. Hilleary, 23 f't, at 50 c'ts per f't	$11 50		
Amount carried forward.....			$11,221 75
18			
To J. W. Hilleary, 25 f't, at 45 c'ts per f't	$11 25		
To J. W. Hilleary, 12 f't, at 40 c'ts per f't	4 80		
		$27 55	
To J. & T. Weaver, 13 f't, at 40 c'ts per f't	$5 20		
To J. & T. Weaver, 25 f't, at 35 c'ts per f't	8 75		
To J. & T. Weaver, 25 f't, at 30 c'ts per f't.....	7 50		
To J. & T. Weaver, 25 f't, at 25 c'ts per f't.....	6 25		
To J. & T. Weaver, 2 f't, at 20 c'ts per f't.....	40		
		28 10	
To W'm Johnson, 23 f't, at 20 c'ts per f't.	$4 60		
To W'm Johnson, 25 f't, at 15 c'ts per f't.	3 75		
To W'm Johnson, 12 f't, at 10 c'ts per f't.	1 20		
		9 55	
To J. W. Hoover, 13 f't, at 10 c'ts per f't.....		1 30	
			$11,129 57
			$92 18

Leaving an excess of damages over the benefits of $92.18, which they also assess to the corporation of Georgetown.

They also consider that the damages which might have been assessed to Mr. Thomas Brown for the small piece of ground fronting on Valley street, between Mrs. Willett's property and the north side of Stoddard street, with a depth of about 46 feet, would have been inadequate to compensate him for the necessary expense of improving the same, and therefore allow him no damages, but in lieu thereof assess to the corporation of Georgetown the further expense of making said improvements.

In view of the last two items and other expenses to which the
19 corporation has been and may be further subjected in making this improvement, the proceeds of the materials in Mr. Hyde's house shall accrue to the corporation.

Signed and sealed this fourteenth day of September, 1868.

J. W. DEEBLE.	[SEAL.]
JOHN J. BOGUE.	[SEAL.]
D. JACKSON.	[SEAL.]
RICH'D FULLALOVE.	[SEAL.]
E. G. BROWN.	[SEAL.]
L. T. CARTWRIGHT.	[SEAL.]
W. H. CRAIG.	[SEAL.]
JOHN E. COX.	[SEAL.]
ROB'T CUNNINGHAM.	[SEAL.]
JACOB RAMSBURG.	[SEAL.]
CHA'S MEMMERT.	[SEAL.]
RICH. W. GRIFFITH.	[SEAL.]

Order certifying the cause to be heard at the general term.

In the supreme court of the District of Columbia.

FREDERICK W. HANNEWINKLE
vs.
THE MAYOR, THE BOARD OF ALDERMEN, AND Board of Common Council of Georgetown, and George W. Beal, collector. } In equity. No. 1875.

In the supreme court in equity sitting, this 27th day of September, 1870, it is hereby ordered that this cause be certified to the court in general term, to be heard in the first instance.

By the court.

20 *Proceedings before the supreme court of the District of Columbia, in general term, commencing Monday, April 17, 1871.*

MONDAY, *April* 17, 1871.

By order of the justices present, to wit, Chief Justice Cartter and Justices Olin, Wylie, Humphreys, and MacArthur, the marshal proclaims the opening of the term.

MONDAY, *May* 15, 1871.

Session resumed pursuant to adjournment. Present, Chief Justice Cartter and Justices Olin, Humphreys, and MacArthur; absent, Justice Wylie, holding circuit court.

Decree in general term.

FREDERICK W. HANNEWINKLE
v.
THE MAYOR, BOARD OF ALDERMEN, AND Board of Common Council of Georgetown, and George W. Beall, collector. } No. 1875. Equity Docket 10.

21 This cause having been heard upon the record of the equity court, and been argued by counsel on both sides, it is thereupon

ordered, adjudged, and decreed that the bill of complaint be, and the same is, hereby dismissed, with costs.

And from this decree, the complainant, by his solicitor, Mr. Tyler, prays an appeal to the Supreme Court of the United States, and the same is allowed in open court.

22 In the supreme court of the District of Columbia, the 7th day of September, 1871.

FREDERICK W. HANNEWINKLE
vs.
THE MAYOR, THE BOARD OF ALDERMEN, AND Board of Common Council of Georgetown, and George W. Beall, collector, &c. } No. 1875. Eq. Doc. 10.

Know all men by these presents that we, Josiah Dent and J. M. H. Hollingsworth are bound unto the above-named defendant, in the sum of seven thousand dollars, to be paid to the said defendants, their executors or administrators. To which payment, well and truly to be made, we bind ourselves, and each of us, jointly and severally, and our and each of our heirs, executors, and administrators firmly by these presents, sealed with our seals, and dated this 7th day of September, 1871.

Whereas the above-named Frederick W. Hannewinkle hath prosecuted an appeal to the Supreme Court of the United States to reverse the judgment rendered in the above suit by the said supreme court of the District of Columbia:

Now, therefore, the condition of this obligation is, that if the above-named Frederick W. Hannewinkle shall prosecute his said appeal to effect, and answer all damages and costs if he shall fail to make good his plea, then this obligation shall be void; otherwise the same shall be and remain in full force and virtue.

(Signed) JOSIAH DENT. [SEAL.]
J. M. H. HOLLINGSWORTH. [SEAL.]

Sealed and delivered in presence of—

Approved this 8th Sept., 1871.

A. B. OLIN.

(Indorsement on cover:) No. 437. Frederick W. Hannewinkle, appellant, vs. The Mayor, Board of Aldermen, and Board of Common Council of Georgetown, and George W. Beall, collector. Dist. of Columbia, sup. court. Filed 29 November, 1871.